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Request  
for  
Continued Examination  
TransmittalAddress to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

|                        |                   |
|------------------------|-------------------|
| Application Number     | 10/553,923        |
| Filing Date            | October 21, 2005  |
| First Named Inventor   | Catherine Allieux |
| Art Unit               | 1641              |
| Examiner Name          | Nelson C. Yang    |
| Attorney Docket Number | 124-000610US      |

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☒ Other Amendment After Final (accompanying Notice of Appeal filed October 20, 2008 but not entered per Advisory Action)

b. ☐ Enclosed

i. ☐ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to

a. ☒ Deposit Account No. 50-0893 I have enclosed a duplicate copy of this sheet.

i. ☒ RCE fee required under 37 CFR 1.17(e)

12/29/2008 SDIRETA1 00000010 500893 10553923

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

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iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                   |                               |                  |                   |
|-------------------|-------------------------------|------------------|-------------------|
| Signature         | <i>Angela P. Horne, Ph.D.</i> | Date             | December 19, 2008 |
| Name (Print/Type) | Angela P. Horne, Ph.D.        | Registration No. | 41,079            |

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box-1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

|                   |                     |      |                   |
|-------------------|---------------------|------|-------------------|
| Signature         | <i>Evelyn Gomez</i> | Date | DECEMBER 19, 2008 |
| Name (Print/Type) | EVELYN GOMEZ        |      |                   |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/553,923

Filing Date

October 21, 2005

First Named Inventor

Catherine Allieux

Group Art Unit

1641

Examiner Name

Nelson C. Yang

Attorney Docket Number

124-000610US

**ENCLOSURES (check all that apply)**☒ Fee Transmittal Form☐ Fee Attached☐ Amendment / Response☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/ Incomplete Application☐ Response to Missing Parts under 37 CFR 1.52 or 1.53☐ Assignment Papers (for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☐ Terminal Disclaimer☐ Small Entity Statement☐ Request for Refund☐ After Allowance Communication to Group☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Additional Enclosure(s) (please identify below):

RCE (Request for continued examination) transmittal and receipt acknowledgment postcard

**Authorization to Charge Deposit Account**

Please charge Deposit Account No. 50-0893 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.

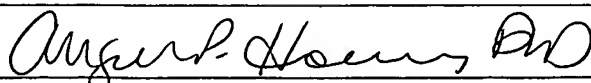
Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name

Angela P. Horne, Ph.D., Reg. No. 41,079, Quine Intellectual Property Law Group P.C.

Signature



Date

December 19, 2008

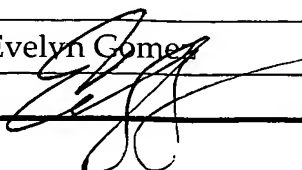
**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, DC 20231 on this date:

Typed or printed name

Evelyn Gomez

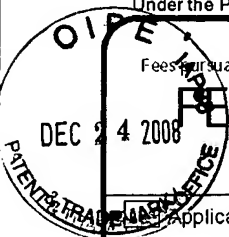
Signature



Date

December 19, 2008

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# **FREE TRANSMITTAL** For FY 2009

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**810.00**

Complete if Known

|                      |                   |
|----------------------|-------------------|
| Application Number   | 10/553,923        |
| Filing Date          | October 21, 2005  |
| First Named Inventor | Catherine Allieux |
| Examiner Name        | Nelson C. Yang    |
| Art Unit             | 1641              |
| Attorney Docket No.  | 124-000610US      |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☒ Other (please identify): Deposit Account  
☒ Deposit Account Deposit Account Number: 50-0893 Deposit Account Name: Quine Intellectual Property Law Group, P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 330         | 165                   | 540         | 270                   | 220              | 110                   |                |
| Design           | 220         | 110                   | 100         | 50                    | 140              | 70                    |                |
| Plant            | 220         | 110                   | 330         | 165                   | 170              | 85                    |                |
| Reissue          | 330         | 165                   | 540         | 270                   | 650              | 325                   |                |
| Provisional      | 220         | 110                   | 0           | 0                     | 0                | 0                     |                |

### 2. EXCESS CLAIM FEES

| Fee Description  | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues)                                | 52       | 26                    |
| Each independent claim over 3 (including Reissues)                     | 220      | 110                   |
| Multiple dependent claims  | 390      | 195                   |
| Total Claims   |          |                       |
| Extra Claims   |          |                       |
| Fee (\$)   |          |                       |
| Fee Paid (\$)  |          |                       |
| - 20 or HP =   | x        | =                     |
| HP = highest number of total claims paid for, if greater than 20.      |          |                       |
| Indep. Claims  |          |                       |
| Extra Claims   |          |                       |
| Fee (\$)   |          |                       |
| Fee Paid (\$)  |          |                       |
| - 3 or HP =  | x        | =                     |
| HP = highest number of independent claims paid for, if greater than 3. |          |                       |

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets            Extra Sheets            Number of each additional 50 or fraction thereof            Fee (\$)           Fee Paid (\$)            
           - 100 =            / 50 =            (round up to a whole number) x            =           

### 4. OTHER FEE(S)

|   |                                      |        |
|---|--------------------------------------|--------|
| Non-English Specification,                            | \$130 fee (no small entity discount) |        |
| Other (e.g., late filing surcharge):                  |                                      |        |
| Other: <u>RCE (Request for continued examination)</u> |                                      | 810.00 |
| Other:  |                                      |        |
| Other:  |                                      |        |
| Other:  |                                      |        |
| Other:  |                                      |        |

### SUBMITTED BY

|                   |                               |                  |          |           |  |
|-------------------|-------------------------------|------------------|----------|-----------|--|
| Signature         | <u>Angela P. Horne, Ph.D.</u> | Registration No. | 41,079   | Telephone |  |
| Name (Print/Type) | Angela P. Horne, Ph.D.        | Date             | 12/19/08 |           |  |